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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/594,976

09/29/2006

Kazuhito Wada

062653

8190

38834

7590

07/08/2009

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EXAMINER

AHMED, SHEEBA

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/594,976 | <b>Applicant(s)</b><br>WADA ET AL. |  |
|                              | <b>Examiner</b><br>SHEEBA AHMED      | <b>Art Unit</b><br>1794            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment and Arguments*

1. Amendments to claims 1, 2, 6, 7, and 9 have been entered in the above-identified application. Claim 8 is cancelled. Claims 1-7 and 9 are pending,

The rejection of claims 1-7 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, the rejection of claims 1 and 3-6 under 35 U.S.C. 102(b) as being anticipated by Nishida et al. (US 6,387,497 B1) and the rejection of claims 2 and 7 under 35 U.S.C. 103(a) as being unpatentable over Nishida et al. (US 6,387,497 B1) have been withdrawn in light of the amendments made to the claims and the arguments presented in the response submitted on April 9, 2009.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for **a methacrylic resin film having a thickness of 10 to 300 microns** and comprising a methacrylic resin composition (C) being obtained by polymerizing a methacrylate polymer (A) in the presence of **5 to 45 wt% of acrylic crosslinked elastic particles (B)**, the methacrylate polymer (A) being obtained by polymerizing a monomer mixture (a) including 50 to 100 wt% of alkyl

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methacrylate and 0 to 50 wt% of alkyl acrylate, and the acrylic crosslinked elastic particles (B) being obtained by copolymerizing a monomer mixture (b) including 50 to 100 wt% of alkyl acrylate and 50 to 0 wt% of alkyl methacrylate, and **0.05 to 20 parts by weight of a polyfunctional monomer including two or more non-conjugated double bonds per a molecule**, wherein 0.01 to 30 parts by weight based on 100 parts by weight of the methacrylic resin composition (C) of an ultraviolet absorber represented by the general formula (1) is copolymerized with said copolymerizing monomer mixture (b) and said monomer mixture (a), does not reasonably provide enablement for said methacrylic resin film comprising a methacrylic resin composition (C) being obtained by polymerizing a methacrylate polymer (A) in the presence of acrylic crosslinked elastic particles (B), the methacrylate polymer (A) being obtained by polymerizing a monomer mixture (a) including 50 to 100 wt% of alkyl methacrylate and 0 to 50 wt% of alkyl acrylate, and the acrylic crosslinked elastic particles (B) being obtained by copolymerizing a monomer mixture (b) including 50 to 100 wt% of alkyl acrylate and 50 to 0 wt% of alkyl methacrylate, and a polyfunctional monomer including two or more non-conjugated double bonds per a molecule, wherein 0.01 to 30 parts by weight based on 100 parts by weight of the methacrylic resin composition (C) of an ultraviolet absorber represented by the general formula (1) is copolymerized with said copolymerizing monomer mixture (b) and said monomer mixture (a). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

Page 12, paragraph 0023 of the instant Specification states that “the amount of the polyfunctional monomer to be added in the acrylic crosslinked elastic particles (B) of the present invention is preferably 0.05 to 20 parts by weight, and further preferably 0.1 to 10 parts by weight, per 100 parts by weight of the monomer mixture (b). **When the amount of the polyfunctional monomer to be added is less than 0.05 parts by weight, shock resistance and bending-fracturing resistance of the film that can be formed from the methacrylic resin composition tend to decline, and when the amount is more than 20 parts by weight, shock resistance and bending-fracturing resistance tend to decline as well.**

Page 14, paragraph 0027 of the instant Specification states that “the acrylic crosslinked elastic particle (B) content in the present invention is preferably 5 to 45 wt%, further preferably 10 to 40 wt%, and still further preferably 15 to 35 wt%, when the methacrylic entire resin composition (C) is considered as 100 wt%. **When the acrylic crosslinked elastic particle (B) content is less than 5 wt%, shock resistance and bending-fracturing resistance of the film that can be formed from the obtained methacrylic resin composition tend to decline, and when it is more than 45 wt%, film hardness and moldability tend to decline.**

Page 21, paragraph 0045 of the instant Specification states that “the thickness of the film obtained from the methacrylic resin composition (C) of the present invention is preferably 10 to 300 microns, and further preferably 10 to 200 microns. **When the thickness of the film is less than 10 microns, workability of the film tend to**

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**decline, and when the thickness of the film is more than 300 microns, transparency of the film to be obtained tend to decline.**

Thus the above-mentioned portions of the Specification indicate that these limitations are critical to the invention.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEEBA AHMED whose telephone number is (571)272-1504. The examiner can normally be reached on Monday-Friday from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on (571)272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

/Sheeba Ahmed/  
Primary Examiner, Art Unit 1794